

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT PASSALACQUA,

Plaintiff,

- against -

ALAN P. GILLICK, M.D., GEISINGER-
COMMUNITY MEDICAL CENTER, and
ALLIED SERVICES REHABILITATION
HOSPITAL,

Defendants.

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TRANSFER ORDER
14-CV-2903 (RRM) (JMA)

ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff Robert Passalacqua filed this medical malpractice lawsuit in the Eastern District of New York on the basis of diversity jurisdiction. Venue, however, is clearly improper in this Court. Passalacqua's claims relate to events that are alleged to have occurred in Lackawanna County, Pennsylvania, which is where each defendant ostensibly resides. Passalacqua has therefore requested that the Court transfer the case to the Middle District of Pennsylvania. (Doc. No. 14.) Defendants apparently agree that, if anywhere, the Middle District of Pennsylvania would be the most appropriate venue for this action. (*Id.*)

If an action is filed in the wrong district court, a court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). Accordingly, in the interest of justice, the Clerk of Court is hereby ORDERED to transfer this case to the United States District Court for the Middle District of Pennsylvania. *See* 28 U.S.C. §§ 118(b), 1406(a).

The Court offers no opinion on the merits of the action, or on its procedural posture, including whether proper service has been made. Decisions on defendants' requests for pre-

motion conferences, (Doc. Nos. 7, 12), are reserved for the transferee court. The provision of Local Rule 83.1 that requires a seven-day delay is hereby waived. It is further ordered that upon transfer, the Clerk close the case in this Court.

SO ORDERED.

Roslynn R. Mauskopf

Dated: Brooklyn, New York
August 15, 2014

ROSLYNN R. MAUSKOPF
United States District Judge